

MAY 21 2002

FILED

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	FINDINGS OF FACT,
PETITIONER,)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
VS.)	ORDER
)	
RITA MARIE SANCHEZ,)	
)	CAUSE NO. A-1456
)	
RESPONDENT.)	

This matter came on for hearing on the 8th day of May, 2002, before Christine M. Neighbors, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Eric Dunning. Rita Marie Sanchez ("Respondent"), was not present and was not represented by an attorney. The proceedings were tape recorded by Stacey Bellefeuille, a licensed Notary Public. Evidence was introduced, and the matter was taken under advisement. As a result of the hearing, the Hearing Officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed resident Nebraska insurance agent whose current registered address with the Department is 1018 Homer Street, Omaha, Nebraska 68107.
2. The Department is the agency of the State of Nebraska charged with licensing insurance agents and brokers.

3. The Department filed a Petition and Notice of Hearing on or about March 25, 2002, which was served upon the Respondent by mailing the same to her address of record by certified mail, return receipt requested. On or about April 15, 2002, the envelope containing the Petition and Notice of hearing was returned to the Department "Unclaimed" as evidenced by the return receipt card attached to Exhibit #1. On or about April 16, 2002, the Department ensured service upon the Respondent by mailing said Petition and Notice of Hearing to her address of record via first class United States Mail.

4. The Department, in its Petition, alleged numerous violations of Neb.Rev.Stat. § 44-4028(2) by Respondent which states that the Director may impose a fine, suspend or revoke an agent's license if that person has "[i]mproperly withheld, misappropriated or converted to his or her own use any money belonging to policyholders, insurers, beneficiaries, or others received in the course of business" as a result of the following conduct:

- a. On or about October 29, 1999, the Respondent accepted one hundred dollars in cash from Gabriel Wolfe for reinstatement of automobile liability insurance by American Family Insurance Company. Respondent failed to remit the reinstatement payment to American Family Insurance Company.
- b. On or about November 3, 1999, the Respondent accepted an application from Gary Black for business insurance coverage to be provided by American Family Insurance Company. The Respondent accepted a premium payment for the coverage in the amount of \$400.00. The Respondent failed to remit the application for insurance coverage and premium payment to American Family Insurance Company.
- c. On or about December 16, 1999, Respondent accepted \$120.00 in the form of a money order from Jennifer Johnson for insurance from American Family Insurance Company. Respondent failed to remit the premium payment to American Family Insurance Company.
- d. On or about January 28, 2000, Respondent accepted \$110.00 from Jennifer Dukes for insurance coverage from American Family Insurance Company. Respondent failed to remit payment to American Family Insurance Company.

- e. On or about February 3, 2000, the Respondent accepted \$180.00 from Zachary Birch for insurance from American Family Insurance Company. Respondent failed to remit the premium payment to American Family Insurance Company.
- f. On or about February 7, 2000, Respondent accepted \$190.80 from William Nicholson to reinstate his insurance policy with American family Insurance Company. Respondent failed to remit the reinstatement payment to American Family Insurance Company.
- g. On or about February 9, 2000, Respondent accepted \$220.00 as a down payment from Bajek Deng for automobile insurance from American Family Insurance Company. Respondent failed to remit the down payment to American Family Insurance Company.
- h. On or about February 15, 2000, Respondent accepted \$105.00 in cash from Tracey Ewing for insurance from American Family Insurance Company. Respondent failed to remit the premium payment to American Family Insurance Company.

CONCLUSIONS OF LAW

- 1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb.Rev.Stat. §44-101.01 and §44-4001 et seq.
- 2. The Department has personal jurisdiction over Respondent.
- 3. The Respondent repeatedly violated Neb.Rev.Stat. § 44-4028 (2) as set forth in Paragraphs 4 (a-h) above.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's Nebraska resident insurance agent's license be revoked, effective upon the date the Director of Insurance signs this order.

Dated this 21st day of May, 2002.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



HEARING OFFICER

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska Department of Insurance v. Rita Marie Sanchez, Cause No. A-1456.

Dated this 21st day of May, 2002.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent at 1018 Homer Street, Omaha, Nebraska 68107 by certified mail, return receipt requested, and by U.S. Mail, postage prepaid on this 2nd day of May, 2002.

